

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Robert Holt, et al. v. National Football League, et al. (Plaintiff Rickey Dixon and Lorraine Dixon ONLY)

Court File No. 12-cv-4185-AB

**RESPONSE IN OPPOSITION TO THE
JOINDER OF RICKEY DIXON AND
LORRAINE DIXON IN ESTATE OF
KEVIN TURNER'S MOTION TO
RESOLVE ATTORNEY'S FEE
DISPUTE**

Zimmerman Reed LLP files this response to the Joinder of Rickey Dixon and Lorraine Dixon in the Estate of Kevin Turner's Motion to Resolve Attorney's Fee Dispute. Zimmerman Reed agrees with the Dixons that contingent fee agreements are enforceable, including in this important, novel, and highly risky litigation. However, Zimmerman Reed disagrees that "little or no meaningful work" was done with respect to individual cases in this matter, including the Dixons' claim. Zimmerman Reed is mindful of the confidentiality of attorney-client communications and work product efforts advanced on behalf of clients, including former clients. Without revealing confidential information, the facts demonstrate that Zimmerman Reed fully and adequately represented Mr. Dixon at all times. The facts show that:

- Zimmerman Reed represented Mr. Dixon in another NFL matter prior to being retained in the concussion litigation. That representation also involved a contingent fee retainer agreement.

- In May 2012, Zimmerman Reed agreed to represent Mr. and Mrs. Dixon in individual claims against the NFL arising from the head injuries Mr. Dixon suffered while an NFL player. Their agreement called for an attorneys' fee of 33 1/3% of any monetary recovery obtained pursuant to the claims. Zimmerman Reed later unilaterally reduced that amount to 20%. Zimmerman Reed at all times fulfilled its duties to the Dixons to the maximum extent possible.
- Mr. Dixon was subsequently diagnosed, in May 2013, with ALS. A settlement of the NFL concussion claims was announced on August 29, 2013.
- Zimmerman Reed was in regular, ongoing, individual communication with Mr. Dixon and his wife, Lorraine Dixon, from the time of its retention in May 2012 until its termination in October 2015.
- Zimmerman Reed's communications included regular telephone conversations between Zimmerman Reed's attorneys and Mr. and Mrs. Dixon, letters and emails numbering in the scores.
- Zimmerman Reed fully analyzed and prepared Mr. Dixon's individual claim. This work included extensive review of Mr. Dixon's medical records and engagement of and analysis by a board certified neurosurgeon.
- Zimmerman Reed communicated its full and completed assessment of Mr. Dixon's claim and potential award to Mr. and Mrs. Dixon in September 2015.
- Mr. and Mrs. Dixon terminated Zimmerman Reed in October 2015.

To the extent the Dixons adopt the positions set forth in the motions filed by Kevin Turner, Steven Smith, and other attorneys' fee objectors at Docket Nos. 7029, 7114, 7365, 7524, Zimmerman Reed adopts the positions set forth in opposition to those motions located at Docket Nos. 7071, 7073, 7075, 7085, 7465. To the extent the Dixons and their new counsel "expec[t] to file a further objection or motion in the near future" with respect to these issues, Zimmerman Reed will respond fully to any such additional motion.

Dated: July 11, 2017

Respectfully submitted,

ZIMMERMAN REED LLP

s/ Charles S. Zimmerman

Charles S. Zimmerman (#120054)
J. Gordon Rudd, Jr. (#222082)
Brian C. Gudmundson (#336695)
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 341-0400
Facsimile: (612) 341-0844
Charles.Zimmerman@zimmreed.com
Gordon.Rudd@zimmreed.com
Brian.Gudmundson@zimmreed.com

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Response in Opposition to the Joinder of Rickey Dixon and Lorraine Dixon in Estate of Kevin Turner's Motion to Resolve Attorney's Fee Dispute to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

Dated: July 11, 2017

ZIMMERMAN REED LLP

s/ Charles S. Zimmerman

Charles S. Zimmerman (#120054)
J. Gordon Rudd, Jr. (#222082)
Brian C. Gudmundson (#336695)
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 341-0400
Facsimile: (612) 341-0844
Charles.Zimmerman@zimmreed.com
Gordon.Rudd@zimmreed.com
Brian.Gudmundson@zimmreed.com